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INVITATIONAL TRAVEL

Comptroller General Decisions

1. 3 Comp. Gen. 590, 5 March 1924: (Headnote) "The actual traveling expenses to and from Washington of persons requested by the Tariff Commission to come to Washington for personal conference regarding their qualifications for employment as experts, such as are excepted by law from civil service rules and regulations, are a proper charge against the appropriations of that commission." (There were no special provisions in the appropriation act for the tariff commission.)

The Comptroller General stated:

> "The record discloses that it had appeared to the Commission from information previously obtained that the prospective employees were experts whose qualifications would be useful in the proper execution of the work of the Commission, and accordingly they were requested to come to Washington for a personal interview with the express condition that they were to be reimbursed their traveling expenses to Washington and return home if they did not remain in Washington as employees. The vouchers indicate that the applicants for positions did not remain in Washington as a result of their interview."
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> "It is understood that those persons who were reimbursed their traveling expenses were within the class of 'experts' whose employment has been excepted by law from the civil-service rules and regulations under which the qualifications of prospective employees are determined from written application and examination. From the nature of the work authorized to be performed by the Tariff Commission it can be readily appreciated that a personal interview or contact with the prospective employee of the expert class may be essential to insure the most efficient personnel for the particular work contemplated."

2. 15 Comp. Gen. 206, 13 September 1935 (B-64350): (Headnote) "A person who performs travel for the purpose of consulting with the head of a department as to his qualifications, and who is later appointed, is not entitled to a per diem allowance either in lieu of subsistence or as salary, for the period from date of consultation to the date preceding the effective date of the appointment (3Comp. Gen. 590 distinguished)."

In this case, which involved the Department of Agriculture, subject was brought into Washington "for the purpose of consulting with the Secretary as to his qualifications for appointment as Assistant

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to the Secretary." The case had all the requirements of 3 Comp. Gen. 590 except that this individual arrived in Washington on May 3, and the voucher was submitted covering per diem from May 3 to May 16, the date of his appointment. The Comptroller General disallowed this per diem on the basis that it was "an attempt to give the employee the salary of the position from May 3, the date he arrived in Washington, instead of from May 16, the effective date of his appointment." "In lieu of all other expenses including transportation and subsistence, he was allowed a per diem of $15.56 for a period not exceeding 15 days. . . . The per diem allowance . . . is the equivalent of one day's compensation at $5600, the salary of the position to which (subject) was subsequently appointed."

3. 31 Comp. Gen. 173, 8 November 1951 (B-106116): (Headnote) "The function of ascertaining the qualifications of prospective employees to hold positions subject to the Civil Service laws and regulations is a matter within the jurisdiction of the Civil Service Commission, and therefore, Government agencies may not pay the travel or subsistence expenses of individuals incurred for the purpose of determining their qualifications to hold such positions; however, prospective employees who are to be appointed to positions excepted from the Civil Service laws and regulations and the Classification Act, may be transported to the place of employment for interviews before hiring.

"Government agencies may not pay the travel and subsistence expenses of individuals to the appropriate headquarters office for the purpose of interesting or persuading them to accept Government positions."

This is a short decision clearly stating the rule; consequently, it is quoted in its entirety.

"Reference is made to your letter of October 16, 1951, requesting decision upon the questions stated in your letter, as follows:

> "1. (a) May the Department (of Agriculture) pay the travel and subsistence expenses of individuals who are reached on Civil Service registers in order to interview them at the appropriate headquarters office; (b) may such expenses be paid when there is no Civil Service register; and (c) may such expenses be paid in those cases where individuals have Civil Service status and are eligible for a Civil-Service appointment without examination.
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> "2. May the Department pay the travel and subsistence expenses of individuals to the appropriate headquarters office for the purpose of interesting them in employment in the Department?

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"This Office is fully aware of the difficulties attendant upon the procurement of qualified personnel for scientific and administrative positions not only in your department but in many other Government departments and agencies. However, it has been a general rule that Government agencies may not pay or reimburse an individual for the expenses incurred in traveling to Washington, D. C., or to any other point for determination of the qualifications to hold a Government position if the position is to be filled subject to the Civil Service laws and regulations as the function of ascertaining the qualifications of prospective employees is a matter within the jurisdiction of the Civil Service Commission. However, where prospective employees are to be appointed to positions excepted from the Civil Service laws and regulations and the Classification Act, it has been held that the prospective employees could be transported to the place of employment for interviews before hiring. 3 Comp. Gen. 590; 15 Id. 206. I do not find that the question of providing transportation to an individual for the purpose of persuading him to accept a Government position has heretofore been made the subject of a decision by this Office.

"In view of the foregoing, and having regard for the fact that the character of an expenditure such as that covered by your second question is extraordinary and unusual, and since it is understood that efforts by your department to obtain legislation to authorize the class of expenditures covered by our first question by means of an amendment to the Organic Act of 1944, approved September 21, 1944, 58 Stat. 734, has not up to the present time, been favorably considered, I feel restrained - without legislation providing either in general or specific terms authority for incurring the classes of expenditures here involved - to answer both questions in the negative."

4. 31 Comp. Gen. 480, 25 March 1952: (Headnote) "Under the Act for International Development and the Mutual Security Act of 1951, prospective employees for positions specifically excepted from the competitive civil service for the Department of Agriculture's Point IV activities in foreign areas may be reimbursed traveling expenses incurred incident to reporting for pre-employment interviews to determine their qualifications for such positions when administratively determined that said expenses are essential in ascertaining an individual's qualifications and adaptability for employment in a particular area.

5. 34 Comp. Gen. 114, 2 September 1954 (B-120787): (Headnote) "Departments and agencies may not reimburse individuals for expenses incident to travel from one place to another for purpose of determining qualifications for a position with the Government if the position is subject to the Civil Service rules and regulations and the Classification Act of 1949 so that an Internal Revenue Service employee may not be reimbursed for travel and subsistence expenses incurred for the purpose of taking a Civil Service examination to determine his qualifications for employment as an Internal Revenue Agent."

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6. 34 Comp. Gen. 435, 10 March 1955, is a reconsideration of the foregoing on the basis of additional facts provided: (Footnote) "Where the travel of an Internal Revenue Service employee for the purpose of taking a non-competitive written examination for position of agent is shown to have been required by the Internal Revenue Service rather than the Civil Service Commission, and the Internal Revenue Service determines the time and place, designates the persons to participate, and thereafter determines the persons who meet the qualifications and are eligible for reassignment or promotion, such travel is considered to be in the interest of the Government rather than for the benefit of the employee and, therefore, expenses may be paid by the Government. (34 Comp. Gen. 114, amplified)"

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